

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF11 MASTER PARTICIPATION
TRUST

Plaintiff

v.

AARON CUNNINGHAM AND LISA
CUNNINGHAM

Defendants

MAINE DEPARTMENT OF HEALTH
AND HUMAN SERVICES DIVISION
OF SUPPORT ENFORCEMENT AND
RECOVERY

Party-In-Interest

2:19-cv-00306-JAW

CONSENT JUDGMENT OF FORECLOSURE AND SALE

Address: 100 Parks Road, Richmond, ME 04357
Mortgage: September 14, 2007, Book: 2922, Page: 205

Now comes the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust, the Defendants, Aaron Cunningham and Lisa Cunningham, and Party-In-Interest, Maine Department of Health and Human Services Division of Support Enforcement and Recovery and hereby submit this Supplemental Consent Judgment of Foreclosure and Sale.

Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff.

JUDGMENT on Count I - Foreclosure is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust ("U.S. Bank") the amount adjudged due and owing (\$12,257.54) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.S. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing, as of August 31, 2019:

Description	Amount
Unpaid Principal Balance	\$93,986.53
Interest	\$38,057.00
Late Charges	\$825.92
Escrow Advances	\$19,388.09
Grand Total	\$152,257.54

Plaintiff specifically waives the collection of any further Attorney's fees.

2. If the Defendants or their heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$152,257.54) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Richmond Property shall terminate, U.S. Bank shall conduct a public sale of the Richmond Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$152,257.54 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S.A. § 6324.

U.S. Bank may not seek a deficiency judgment against the Defendants pursuant to the Plaintiff's waiver of deficiency.

3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
4. The amount due and owing is \$152,257.54.
5. The priority of interests and amounts due to the parties-in-interest, in the event of a surplus is as follows:
 - U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust has first priority, in the amount of \$152,257.54, plus the cost of sale and post-judgment interest at the rate of 8.59%, pursuant to the subject Note and Mortgage and 14 M.R.S.A. §1602-C.
 - Maine Department of Health and Human Services Division of Support Enforcement and Recovery has the second priority behind the Plaintiff pursuant to a Notice of Support Lien dated April 14, 2017, in the amount of \$14,211.95, and recorded in the Sagadahoc County Registry of Deeds in Book 2017R, Page 02878.
 - Aaron Cunningham and Lisa Cunningham have the third priority behind the Plaintiff.
6. The prejudgment interest rate is 6.75000%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. §1602-C.

7. The following information is included in this Judgment pursuant to 14

M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSF11 Master Participation Trust	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	Aaron Cunningham 100 Parks Road Richmond, ME 04357	Pro Se
	Lisa Cunningham 3 Estes Drive Freeport, ME 04032	Pro Se
PARTY-IN-INTEREST	Maine Department of Health and Human Services Division of Support Enforcement and Recovery	c/o Jennifer Googins Huston, Esq. Assistant Attorney General 415 Congress Street, Suite 301 Portland, Maine 04101

- a) The docket number of this case is No. 2:19-cv-00306-JAW.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 100 Parks Road, Richmond,

ME 04357, is set forth in Exhibit A to the Judgment herein.

- d) The street address of the real estate involved is 100 Parks Road, Richmond, ME 04357. The Mortgage was executed by the Defendants on September 14, 2007. The book and page number of the Mortgage in the Sagadahoc County Registry of Deeds is Book 2922, Page 205.
- e) This judgment shall not create any personal liability on the part of the Defendants but shall act solely as an in rem judgment against the property, 100 Parks Road, Richmond, ME 04357.

Dated: March 10, 2020

/s/Reneau J. Longoria, Esq.
John A. Doonan, Esq., Bar No. 3250
Reneau J. Longoria, Esq., Bar No. 5746
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Dated: February 10, 2020

/s/ Aaron Cunningham
Aaron Cunningham
100 Parks Road
Richmond, ME 04357

Dated: January 14, 2020

/s/ Lisa Cunningham
Lisa Cunningham
3 Estes Drive
Freeport, ME 04032

/s/ Jennifer Googins Huston ____
c/o Jennifer Googins Huston, Esq.
Assistant Attorney General
415 Congress Street, Suite 301
Portland, Maine 04101

SO ORDERED

Dated this 17th day of March, 2020

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
U.S. DISTRICT JUDGE